



Decision folder

BEFORE THE ARIZONA CORPORATION COMMISSION

DOCKETED

MAR 30 2001

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF
COCHISE COUNTY TO CONSTRUCT A GRADE-
SEPARATED CROSSING OF THE SAN PEDRO
AND SOUTHWESTERN RAILWAY COMPANY,
AT BISBEE JUNCTION ROAD, IN CHOCHISE
COUNTY, ARIZONA, AT AAR/DOT NO.
RR271+32.85.

DOCKET NO. RR- 02854A-01-0056

DECISION NO. 63514

OPINION AND ORDER

DATE OF HEARING: February 14, 2001
PLACE OF HEARING: Phoenix, Arizona
PRESIDING OFFICER: Marc E. Stern
APPEARANCES: Mr. Robert Metli, Staff Attorney, Legal Division, on
behalf of the Utilities Division of the Arizona
Corporation Commission.

BY THE COMMISSION:

On January 16, 2001, Cochise County ("County") filed with the Arizona Corporation
Commission ("Commission") a request for approval to construct a grade-separated crossing over the
San Pedro and Southwestern Railway Company ("Railroad") track where Bisbee Junction Road
crosses the Railroad's tracks in the County at AAR/DOT No. RR271+32.85 ("Application").

On January 25, 2001, by Procedural Order, the Application was set for a hearing and the
County was ordered to notify any interested party of the Application and the hearing.

The County provided notice pursuant to the terms of the Procedural Order.

On February 14, 2001, a full public hearing was held before a duly authorized Administrative
Law Judge of the Commission at its offices in Phoenix, Arizona. At the conclusion of the hearing,
the matter was taken under advisement pending submission of a recommended Opinion and Order to
the Commission.

* * * * *

Having considered the entire record herein and being fully advised in the premises, the

1 Commission finds, concludes, and orders that:

2 **FINDINGS OF FACT**

3 1. On January 18, 2001, the County filed an Application in which it requested an
4 Opinion and Order from the Commission to approve an agreement between the County and the
5 Railroad for the construction of a grade-separated crossing over the track of the Railroad where
6 Bisbee Junction Road crosses the Railroad's tracks in the County AAR/DOT No. RR271+38.25

7 2. The County provided notice of the Application and hearing thereon in accordance with
8 the law.

9 3. A hearing was held as scheduled on February 14, 2001.

10 4. The Application provides for the County to replace an old wooden overpass that was
11 removed approximately six years ago with a new concrete overpass which will extend above the
12 tracks of the Railroad where Bisbee Junction Road crosses the Railroad's tracks.

13 5. Staff testified that the apportionment for the cost of the overpass as provided in the
14 Application will be funded by the County with federal funds.

15 6. After construction of the grade-separated crossing, the Railroad will not be responsible
16 to maintain the crossing in accordance with A.A.C. R14-5-104 because the Bisbee Junction roadway
17 will be maintained by the County.

18 7. Staff has recommended that the Application be approved.

19 **CONCLUSIONS OF LAW**

20 1. The Commission has jurisdiction over the parties and over the subject matter of the
21 Application pursuant to Article XV of the Arizona Constitution and A.R.S. §§ 40-336, 40-337, and
22 40-337.01.

23 2. Notice of the Application was provided in accordance with the law.

24 3. The construction of the grade-separated crossing at Bisbee Junction Road is necessary
25 for the public's convenience and safety.

26 4. The Application should be approved as recommended by Staff.

27 ...

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ORDER

IT IS THEREFORE ORDERED that the Application of Cochise County for approval of a new overpass at Bisbee Junction road is hereby granted.

IT IS FURTHER ORDERED that the San Pedro and Southern Railway Company shall notify the Commission, in writing, within ten days of both the commencement and the completion of the grade-separated crossing, pursuant to A.A.C. R14-5-104.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.


CHAIRMAN
COMMISSIONER
COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this 30th day of March, 2001.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
MES:mlj

1 SERVICE LIST FOR: SAN PEDRO AND SOUTHWESTERN RAILWAY
2 COMPANY
3
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